

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARK LETBETTER, et al.,
Plaintiffs,

v.

LOCAL 514, TRANSPORT WORKERS
UNION OF AMERICA, et al.,
Defendants.

Case No. 14-cv-04075-VC

**ORDER DISMISSING CASE WITH
PREJUDICE**

In *Demetris v. TWU*, Case No. 13-cv-5566-VC, the Court has entered judgment for TWU on the ground that the second amended complaint fails to state a claim for violations of the duty of fair representation. In this companion case, the plaintiffs asserted state law claims based on the same alleged wrongdoing by TWU. Judge Kern of the Northern District of Oklahoma, to whom this case was assigned before it was transferred to this Court, ruled (in denying a motion to remand) that these state law claims are preempted and that the plaintiffs' lawsuit is properly construed as alleging violations of the duty of fair representation. Now that this Court has issued its ruling in *Demetris*, the plaintiffs agree that the rationale of that ruling applies to this case, assuming the lawsuit is properly construed as alleging violations of the duty of fair representation. But they argue that this Court should not construe the lawsuit as alleging violations of the duty of fair representation. The Court is of the view that Judge Kern's ruling on this issue is correct. Therefore, the case is dismissed with prejudice.

IT IS SO ORDERED.

Dated: February 20, 2015



VINCE CHHABRIA
United States District Judge